

REMARKS

By this Amendment, Applicants cancel claims 46-51, 58, 59, and 64-108, without prejudice or disclaimer.¹ Applicants reserve the right to present these canceled claims at a later date, for example, in an application claiming priority to this application.

Applicants also have amended claims 52, 53, 60, and 61, and have added new claims 109-115. Support for the claim amendments and for new claims 109-115 can be found, for example, at least in Figs. 1A-1E, 2, 4, 10A-10C, 14A and 14B, and the corresponding written description of those figures.

Claims 52-57 and 109 are either identical to or substantially the same as claims 1-7 of U.S. Patent No. 6,651,670 B2, which issued on November 25, 2003 ("the '670 patent"). In particular, claims 52, 53, 55-57, and 109 are identical to claims 1, 2, 5-8, and 4, respectively of the '670 patent, and claim 54 is substantially the same as claim 3 of the '670 patent.

Claims 110-115 are substantially similar to claims 13, 14, 16, 17, 19, 20, and 23 of U.S. Application Publication No. 2003/0220661 A1, published November 27, 2003 ("the '661 publication"). Since Applicants previously elected to prosecute Group I, Species A, as set forth in the Response to Restriction Requirement filed on June 28,

¹ Applicants note that a Supplemental Amendment presenting new claims 99-108 was filed on September 24, 2004 in the U.S. Patent and Trademark Office (PTO). According to the PTO Public PAIR information for this application, the September 24, 2004 Amendment and the Office Action dated September 30, 2004 crossed in the mail. Therefore, the Office Action does not address new claims 99-108. Regardless, however, the September 24, 2004 Amendment requested withdrawal of claims 99-108, and those claims have now been canceled by this Amendment. According to the PTO Public PAIR information, the September 24, 2004 Amendment has been entered in this application.

2004, Applicants submit that at least new claims 110-113 “read on” the elected group and species.

In the outstanding Office Action, currently pending claims 52-57 and 60-63 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,092,526 to LaFontaine et al. (“LaFontaine”).

Of the rejected claims, claims 52 and 60 are independent and each recites, among other things, “passing the support member and the conduit through an exterior wall of a coronary vessel.” LaFontaine does not disclose such a feature. More specifically, LaFontaine discloses various percutaneous procedures in which devices are passed endovascularly to the heart chamber, as opposed to passed through an exterior wall of a coronary vessel. In particular, regarding Figs. 5E and 5F apparently relied on by the Examiner in the Office Action, the various devices in that embodiment do not pass through an exterior wall of a coronary vessel. Although in Figs. 5G-5J, LaFontaine shows passing guidewires 160 and 162 separately through an exterior wall of a coronary vessel, the burr 172 is advanced endovascularly into the heart chamber over guidewire 162 and not through the exterior wall of the coronary vessel.

LaFontaine therefore fails to disclose or otherwise suggest “passing the support member and the conduit through an exterior wall of a coronary vessel,” as recited in claims 52 and 60. For at least this reason, the claim rejections based on LaFontaine should be withdrawn, and claims 52-57, 60-63, and 109 should be allowed. As noted previously, claim 52 of the present application is identical to claim 1 of the ‘670 patent. LaFontaine was also applied against the originally-filed claims of the ‘670 patent, and

claim 1 of the '670 patent was issued in view of essentially the same arguments for distinguishing from LaFontaine that are presented herein with respect to claim 52.

To the extent the claim rejection based on LaFontaine may apply to new claims 110-115, that rejection should be withdrawn because LaFontaine does not teach or otherwise suggest a method including, among other things, "inserting the sheath through a heart wall of the heart chamber at a location offset from the coronary vessel," as recited in independent claim 110. Because claim 110 is allowable for at least this reason, each of its dependent claims (including any that may not correspond to the elected species) also are allowable.

For the reasons explained herein, Applicants request the withdrawal of the outstanding claim rejections and the allowance of claims 52-57, 60-63, and 109-115.

If there is any fee due in connection with the filing of this Amendment that is not otherwise accounted for, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 24, 2004

By: Susanne T. Jones
Susanne T. Jones
Reg. No. 44,472